



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 19 2017

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Michael Saldarelli, Jr.  
Director of Environmental Compliance  
Ozinga Brothers, Inc.  
Chicago Port Railroad, Midwest Marine Terminals  
11701 South Torrence Avenue  
Chicago, Illinois 60617

Re: Notice of Violation  
Ozinga Brothers, Inc.  
Chicago, Illinois

Dear Mr. Saldarelli, Jr.:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Ozinga Brothers, Inc. (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating the Illinois State Implementation Plan at your Chicago, Illinois facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Molly Smith. You may call her at (312) 353-8773 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



Edward Nam  
Director  
Air and Radiation Division

Enclosure

cc: Julie Armitage, Chief  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794

Mort Ames  
City of Chicago Law Department  
Assistant Corporation Counsel Supervisor  
30 N. La Salle Street, Suite 1400  
Chicago, Illinois 60602

Dave Graham  
Chicago Department of Public Health  
Assistant Commissioner  
333 S. State Street, Room 200  
Chicago, Illinois 60604

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Ozinga Brothers, Inc.  
Chicago, Illinois

Proceedings Pursuant to  
Section 113(a)(1) of the  
Clean Air Act, 42 U.S.C.  
§ 7413(a)(1)

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)  
) **NOTICE OF VIOLATION**  
)  
) **EPA-5-17-IL-11**  
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**NOTICE OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1). EPA finds that Ozinga Brothers, Inc. (Midwest Marine Terminals) is violating the Illinois State Implementation Plan (SIP), as follows:

**Statutory and Regulatory Background**

1. The CAA, 42 U.S.C §§ 7401, *et seq.*, and the regulations promulgated thereunder, establish a statutory and regulatory scheme designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population.
2. On February 21, 1980, EPA approved 35 Ill. Admin. Code § 212.301 as part of the federally enforceable SIP for Illinois. 45 Fed. Reg.11493.
3. Illinois SIP Rule 212.301 states, "[n]o person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible by an observer looking generally toward the zenith at a point beyond the property line of the emission source."
4. On February 21, 1980, EPA approved 35 Ill. Admin. Code § 212.306 as part of the federally enforceable SIP for Illinois. 45 Fed. Reg.11493.
5. Illinois SIP Rule 212.306 states, "All normal traffic pattern access areas surrounding storage piles specified in Rule 203(f)(3)(A) [Section 212.304] and all normal traffic pattern roads and parking facilities which are located on mining or manufacturing property shall be paved or treated with water, oils or chemical dust suppressants. All paved areas shall be cleaned on a regular basis. All areas treated with water, oils or chemical dust suppressants shall have the treatment applied on a regular basis, as needed, in accordance with the operating program required by Rule 203(f)(3)(F) [Sections 212.309, 212.310 and 212.312]."

### Midwest Marine Terminal

6. Ozinga Brothers, Inc. owns and operates a bulk solid storage and handling facility at 11701 South Torrence, Chicago, Illinois (Midwest Marine Terminals or Facility).
7. Midwest Marine Terminals is registered in the Registration of Smaller Sources (ROSS) Program with the Illinois Environmental Protection Agency (IEPA). The ROSS Program is detailed at 35 Ill. Adm. Code 201.175.
8. Emissions from the Facility are subject to fugitive dust requirements in the Illinois SIP at 35 Ill. Admin. Code § 212.301.
9. Emissions from the Facility's roadways are subject to the fugitive dust requirements in the Illinois SIP at 35 Ill. Admin. Code § 212.306.
10. EPA conducted an unannounced inspection at the Facility on August 16, 2017, including the City of Chicago, Department of Public Health.
11. During the August 16, 2017, inspection, EPA inspectors witnessed dust crossing the property line, out the exit of the facility, along the west property line.
12. During the August 16, 2017, inspection, EPA inspectors witnessed dust crossing the property line, over the Calumet River, along the east property line.
13. During the August 16, 2017, inspection, EPA inspectors witnessed un-watered, uncontrolled roadways generating fugitive dust. No watering, cleaning or treatment of any kind was observed on the roadways or traffic patterns, as needed.

### Violations

14. On August 16, 2017, Midwest Marine Terminals violated of the Illinois SIP at 35 Ill. Admin. Code § 212.301, for failure to control fugitive dust from the Facility.
15. On August 16, 2017, Midwest Marine Terminals violated of the Illinois SIP at 35 Ill. Admin. Code § 212.306, for failure to control dust from the roadways and traffic areas at the Facility.

### Environmental Impact of Violations

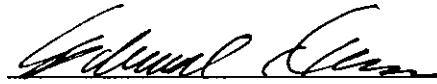
16. These violations have caused excess emissions of particulate matter.

Particulate Matter: Particulate matter, especially fine particulates contains microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. Particulate matter exposure contributes to:

- irritation of the airways, coughing, and difficulty breathing;
- decreased lung function;
- aggravated asthma;
- chronic bronchitis;
- irregular heartbeat;
- nonfatal heart attacks; and
- premature death in people with heart or lung disease.

Date

9/19/17



Edward Nam

Director

Air and Radiation Division

**CERTIFICATE OF MAILING**

I certify that I sent a Notice of Violation, No. EPA-5-17-IL-11, by Certified Mail, Return

Receipt Requested, to:

Michael Saldarelli, Jr.  
Director of Environmental Compliance  
Ozinga Brothers, Inc.  
Chicago Port Railroad, Midwest Marine and Rail Terminals  
11701 South Torrence Avenue  
Chicago, Illinois 60617

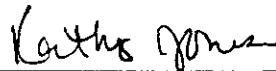
I also certify that I sent copies of the Notice of Violation by first-class mail to:

Julie Armitage, Chief  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62794

Mort Ames  
City of Chicago Law Department  
Assistant Corporation Counsel Supervisor  
30 N. La Salle Street, Suite 1400  
Chicago, Illinois 60602

Dave Graham  
Chicago Department of Public Health  
Assistant Commissioner  
333 S. State Street, Room 200  
Chicago, Illinois 60604

On the 19<sup>th</sup> day of September 2017.



Kathy Jones  
Program Technician  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7647 6551